

A  
SHORT REPLY  
TO

MAJOR MOORE'S ANSWER, &c.

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# SHORT REPLY

T O

MAJOR MOORE'S ANSWER

TO THE

NARRATIVE OF THE CASE

O F

*K* SIR CHARLES VENTRIS FIELD, KNT.

A N D

JOHN WILLIAMS WILLAUME, Esq.

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ADDRESSED TO THE  
DEPUTY LIEUTENANTS  
OF THE  
COUNTY OF BEDFORD.

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SHORT REPLY

MAJOR MOORE

NARRATIVE OF THE CASE

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JOHN WILLIAMS WILLIAMS

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DEPUTY SHERIFF

COUNTY OF HENRICO

JOHN WILLIAMS WILLIAMS



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SHORT REPLY, &c.

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GENTLEMEN,

**W**E have lately had the honor of addressing to you a Narrative, the object of which was, to prove by authentic letters, that in our endeavours to investigate into abuses committed in your quota of the national defence, we met with the most pointed opposition, where we had a right to expect not only impartiality but assistance. No answer being given to these facts, we trust that such a silence will be considered as an acknowledgment of the truth of our case, and that it will stand for ever established in your breasts. We deemed

deemed it totally inconsistent with the duty of our situation to remain tame spectators of proceedings, which in our minds tended to bring disgrace on the Regiment. We therefore stated in our memorial some facts of abuses, the existence of which we undertook to prove. Whether these, so existing, could arise from mere negligence, or must necessarily infer a deeper guilt, and *in whom*; and how far wider they might extend, was to be the subject of the proposed enquiry? We have never avoided pointing out the person against whom the accusation (if in the event deemed proper) would probably be directed; nor did we conceal, that in our opinion the cause originated in the improper junction of the offices of pay-master and commanding-officer; but we thought it neither prudent or becoming *in us*, *peremptorily* to decide, or to produce a direct accusation without such previous enquiry; it is, we confess, to be lamented that no military investigation took place: are we wrong in suggesting that in similar cases, nothing less usually satisfies the party whose sensibility is wounded? A defence indeed is now produced *on paper*, because *on paper* facts may be partially stated, and evidence adduced, the fallacy of which a few questions to a witness would expose; on this defence we shall offer some very few remarks,

marks, merely for the purpose of establishing this position, *That all publications must be unsatisfactory, and that the testimony even of witnesses must be fallacious, where these witnesses are not submitted to a cross examination by persons previously informed of the whole case.* This, we trust, will be a sufficient apology for our future silence; since not to meet the charge in the only way in which it can be investigated, is an acknowledgment of the truth of that charge.

The allegation of short payment of the recruits is opposed by an affidavit of the pay-serjeants, who swear, "That to the best of their knowledge and belief every recruit in their respective companies always received their subsistence from the day of their engagement, &c." This fact may be true at the time of making the affidavit; we are aware that many of them have been paid *subsequently* to our discovery, and consider this circumstance as a corroboration of our case. But whether the affidavits be true or false, the pay-serjeants have not the means of knowledge, for the defalcation alledged took place before the recruits were posted to companies, at which time the pay did not pass through the hands of these serjeants. The question in dispute is, Whether the pay was  
not



not withheld as stated by us\*? We assert it was on the clearest evidence of the men, who poured forth their grievances to us, declaring they could get no redress elsewhere.

The Serjeant-Major, whose affidavit likewise appears in the defence, has more knowledge; but this witness could not be submitted to a close examination. This witness endeavours first to take to himself the whole guilt of the false muster, for the fact is admitted. A singular conduct, which, if true, would discredit altogether his testimony. For this purpose he swears, "in respect to the muster-rolls taken at *Danbury* and other places, that he received no particular directions from any officer." Some particular information from some officer he must have received. Dates of inrollment are fixed to each recruit. We presume the days thus specified were not pure invention; and as Serjeant *Furnival* has served 23 years in the regiment, he must know to whom to apply for these dates. To the commanding-officer copies of the dates of inrollment are transmitted†,

\* Vide Mutiny Act, sect. 21.

† Vide 19 Geo. III. chap. 72. sect. 19. It is enacted, that the clerk of the sub-division meeting shall transmit to the commanding-officer fair and true copies, &c.



and he is answerable for their being truly inserted \*. To suppose therefore that Serjeant *Furnival* affixed these dates at random without *particular directions*, or that the commanding-officer would suffer them to be inserted without comparing them with the copy of the inrollments in his hands, is to suppose a degree of criminal negligence *in both* that would incur the severest penalties. It is equally ridiculous to mention the Captains *in this view* as responsible for the truth of the musters of their companies; they are responsible for the truth of what they know (*i. e.* the effectiveness of their men); but the date of the inrollment of recruits can be known only to the commanding-officer, who is therefore required to enter these dates, and he only is responsible for the same. With respect to the subsequent erasures, these are the words of Serjeant *Furnival's* affidavit: he professes to answer our observation, “ That catch-

\* Vide Mutiny Act, 22 Geo. III. sect. 83. And whereas the time of service in the militia is limited to three years, be it enacted by the authority aforesaid, that the officer commanding each regiment or corps of militia, or fencible men, shall certify, on the back of the muster-roll, the names of those men who are within six months of the time of the expiration of their service, and also the number of men which have been inrolled since the last muster, distinguishing the ballotted men from the substitutes; and every man so inrolled shall be intitled to receive his pay from the time of his inrollment.

“ ing up the rolls, erasing and substituting the  
 “ true dates as far as time would permit, evinces  
 “ that the false muster was wilful,” in these  
 words: “ This deponent upon his oath declares,  
 “ that the only motive he had for wishing to  
 “ erase or alter the muster-rolls, originated  
 “ merely from a *sudden* idea he had of mistake,  
 “ and an *anxiety of doing right*.” Had he  
 added, that this *sudden* idea of erasure arose from  
 our detection of the false dates after the muster-  
 rolls were compleated, when time so pressed,  
 that to make a fair copy was impossible; had  
 he likewise informed the reader, that the true  
 dates were as instantly inserted without any  
*new information*, and that it is evident that the  
 true dates were very easy to get at, and might  
 as well have been originally inserted as the false  
 ones; then those to whom this defence is ad-  
 dressed might judge, whether the whole was a  
*mere mistake*, or whether the *anxiety of doing*  
*right* did not arise from an apprehension in some  
 one officer of the consequences of *doing wrong*\*.

We

\* We think it necessary to observe, that such extra-judicial  
 oaths are futile in the highest degree, because no penalty at-  
 tends them if false. To subject a deponent to the penalties  
 of perjury, the oath must be taken in a court of record, or  
 before a magistrate in a cause judicially before him; “ for  
 “ which reason it is much to be questioned (says a learned  
 “ author) how far any magistrate is justifiable in taking a  
 “ voluntary

We apprehend, that the charge of false musters would be brought home to the person answerable for the truth of the same, as soon as the fact was established, unless he could account for these supposed mistakes by shewing how the errors had arisen: but a previous knowledge of the true dates would be decisive against him. It seems to be apprehended, that the union of the two characters of commanding-officer and pay-master in one person must open a door of suspicion; Major *Moore* therefore relinquishing his defence in the first character, applies his

"voluntary affidavit in any extra-judicial matter, as is now too frequent on every petty occasion, *since it is more than possible*, that by such idle oaths a man may frequently *in foro conscientia* incur the guilt, and at the same time evade the temporal penalties of perjury." Vide *Black. Com.* vol. iv. p. 137. Oct. Ed.

These oaths are not admitted in military courts; such a one was offered to be produced on a late trial. (Vide Lt. Col. Cockburne's trial.) *Court.* "It is very dangerous to permit affidavits, particularly under those circumstances, where there can be *no prosecution for perjury, nor any cross examination*; and if there could, justice is mutual and reciprocal, and if you receive them as evidence for the defendant, you must receive them for a prosecutor; therefore I should apprehend it to be of dangerous consequence."—And in a later trial (Vide Major Stanhope's). *Court.* (treating of these kind of affidavits) "If they cannot be admitted as evidence, they certainly ought not to be read."—*Judge Advocate.* "Supposing they are false, *there can be no prosecution for perjury, &c. and besides there is no opportunity of cross examining the persons.*"



whole force to the protection of the second; he endeavours to prove, that as pay-master he had regularly and faithfully accounted. The time is here essential, for *extraordinary* correctness *after discovery* affords no presumption of innocence—Will the reader believe the whole of the boasted testimony on this head arises from the *omission of the date* of the letter which he has printed?

Moreover, this species of defence assumes, that not having regularly accounted with Government would be proof of a corrupt motive in falsifying the musters, which are intended to check those accounts; both are enjoined for obvious reasons, and both must be regularly made, or Government have no controul. We shall now transcribe the Major's reasoning in this part of the answer, and subjoin the letters we received from the agent, with their *respective dates*. “ Agreeably to the Legislature, the non-effective accounts should be  
 “ settled by the muster-rolls. Whether a  
 “ strict adherence to this legal prescription has  
 “ in every instance been rigidly observed, I will  
 “ not affirm; but of this I am positive, that  
 “ the non-effective accounts of the *Bedfordshire*  
 “ militia have been so adjusted, as to preclude  
 “ the



“ the possibility of peculation. From the ab-  
 “ stracts of the several captains, I transmit the  
 “ agent a return of the non-effectives. To  
 “ their account is charged certain contingent  
 “ expences allowed by Government for the  
 “ subsistence of recruits *before* they join com-  
 “ panies, and for other incidental articles.  
 “ The agent receiving these details also, the  
 “ very *progression* of the business constitutes  
 “ such a check on the pay-master, that were  
 “ he even disposed to act dishonorably, it would  
 “ be impossible he should escape detection.  
 “ My caution as to every minutia of the non-  
 “ effective account has been extreme : the agent  
 “ of the regiment has rendered me ample justice  
 “ in this particular ; for in an answer he re-  
 “ turned to a letter received from Sir C. Field  
 “ and Capt. *Willaume*, there is the following  
 “ paragraph, which he obligingly authorized  
 “ me to insert ;”

“ Extract of a Letter from the Agent to the  
 “ *Bedfordshire Militia.*”

“ If you are desirous of knowing what has  
 “ in like manner accrued from the non-effec-  
 “ tives of other companies, I must recom-  
 “ mend an application to the pay-master thro’  
 “ the medium of the commanding-officer, for  
 informa-

“ information on this head; for although I  
 “ am *at this moment* in full possession of the  
 “ means of answering your question in the  
 “ largest extent, I do not conceive that an  
 “ agent is justifiable in doing so, but under  
 “ the directions of the commanding-officer:  
 “ *and it is only owing to the pay-master having*  
 “ *transmitted the non-effective accounts in a more*  
 “ *complete and comprehensive manner than is*  
 “ *practised by any other pay-master in the King's*  
 “ *service*, that I am enabled to furnish you  
 “ with the specific account of the non-effec-  
 “ tives of your companies.”

This language, it must be owned, is fair  
 and candid, and if the accounts were regularly  
 and progressionally passed, might exculpate the  
 pay-master, and relieve the commanding-officer  
 from the suspicion of unworthy motives. Every  
 person in the smallest degree acquainted with  
 military matters knows, that the state of the  
 non-effective account or distributions must be  
 regularly kept between the regiment and agent  
 from time to time\*; and that such non-effec-  
 tive account is to be stated annually by the  
 24th of June†. On this depends the check,

\* Mutiny Act, section 49.

† Vide Secretary at War's warrant, Feb. 19th, 1766.

without which the greatest abuses may be committed. Knowing how material this circumstance was to our case, and that such a regular intercourse between the regiment and agent would elucidate the question; we wrote to the late Mr. *Powel* our agent, or his clerk Mr. *Philip Deare*, on the subject, when to our surprise we received the following answer; viz.

“ Major *Moore*’s distributions, wherein he  
 “ charges himself with the pay of men want-  
 “ ing to complete, and takes credit for the  
 “ subsistences of recruits previous to their join-  
 “ ing, are not yet received by the agent. I  
 “ am, &c. *Philip Deare*, 26th Aug. 1782.”

“ To Sir *Charles Field*, Danbury Camp.”

The *Bedfordshire* regiment was embodied in the spring of 1778; and it is evident no account whatever was sent in the 26th of August, 1782. Is it not extraordinary, that a person, whose attention to every minutia of the non-effective account was extreme, should send in no account whatever for four years and upwards? To a subsequent requisition on the same subject made by us, we received the following answer:—

“ *Whitehall*, 22d of October, 1782.—Gentle-  
 “ men,—In answer to your letter of the 19th  
 “ instant, requiring to know whether the non-  
 “ effective account of the *Bedfordshire* regi-  
 “ ment



“ ment has been delivered since mine of the  
 “ 26th *August*, I am to acquaint you, *that it*  
 “ *has not*. I am, with respect, yours, &c.  
 “ *Philip Deare.*”—

“ To Captains Sir *C. Field* and *Willaume*,  
 “ *Bedfordshire Regiment.*”

Surely this is sufficient to shew that no such account was kept, as stated in the answer; the very *progression* of which would preclude any possibility of abuse: we do not mean to say, that the accounts were not sent in after our second requisition: on the contrary, we know they were, with the utmost precipitation; and consequently we soon after received the letter mentioned in the answer, the date of which was the 24th *October*, 1782, and signed by *Philip Deare*. The extract here alluded to, by *omitting the date*, is quoted as a general testimony, that the accounts were regularly kept, and is even accompanied with a particular encomium *adapted to the necessity of the case*; but if the date had been inserted, it would have proved to a demonstration, that the accounts in fact were sent in after and in consequence of our discovery \*. Can such dissingenuous sophistry impose on any one? Or

\* This muster was taken on the 13th *Aug.* 1782:



can any one doubt why these witnesses could not be submitted to the examination of persons conversant with the subject? The question is, *Quo animo*, are the musters of the regiment falsified in spite of authentic documents? *Quo animo*, are the regimental accounts thus kept open? It is no satisfactory solution of these questions to produce the evasive affidavit of a party concerned, or the letter of an agent written after the exhibition of the complaints, the very date of which, if inserted, would shew its fallacy. *The dates* of the papers are almost universally omitted. These are necessary to shew whether they are not *ex post facto* inventions, in order to patch up, as well as possible, a very awkward business†. We only desire to strip off this flimsy deception of the dates being omitted, when we venture to assert, that the facts will appear to be not as represented in the answer, but nakedly and literally as stated by us‡.

† By the production of letters without dates the whole course of Historical truth may be perverted.

‡ The parish of *Ravensden* was not a contingent parish; nor could this transaction be of the smallest ease to that parish. We are surprized to see Letters signed by Sir *G. Yonge*, and another signed by the Earl of *Offory*, produced without any date. Let the dates be produced.

We were always ready to submit the whole of our case to any referees, and to prove the truth of it by a body of the most incontestable evidence. *A soul panting for a public enquiry* would have insisted on a court-martial, Why was no such step taken? Why was the reference to the deputy lieutenants retracted? We do not hesitate to declare, that we shall write no more on the subject, as it must be obvious to every one it can answer no purpose. It will be sufficient for us, if the candid and judicious shall see that no practicable investigation was ever intended, and that we have done every thing in our power (oppressed and overwhelmed as we were) to vindicate the credit of the regiment and county,—whatever future explanations are necessary must be had between the parties themselves.

The reader cannot have passed over without notice the unbounded scurrility contained in the answer. We are accused with having omitted a sentence which bears testimony to Mr. Moore's civility, as commanding-officer. The reader will observe, that the notes mentioned in the answer are only extracted by us by way of exordium to our publication, and the paragraph was designedly omitted as unnecessary, because the business in question has nothing

thing to do with the politeness of the soldier, but refers to the discharge of a more important duty. The letters essential for the reader to form a judgment on our case are numbered, and are *verbatim et literatim* as sent and received. The Postscript added to a letter \* in the early stage of the business must be considered as mere words under the circumstance of the case, the affair being then at the eve of public discussion; afterwards indeed, and especially if on enquiry it had been found that groundless insinuations had been suggested, such language would have come in a less questionable shape. To address the public with decency is in some measure evidence of a good cause; we have not hitherto departed from that rule, nor shall we now descend so low as to follow such an example. Permit us to observe, that if any thing more is meant by the language alluded to, than what it appears on its own face, mere assertion and the lowest ribaldry, it is not by such illiberal vehicles that gentlemen make known their intentions.

July 28, 1783.

C. V. F.

J. W. W.

\* If Major *Moore* has offended any man, or set of men, either personally or publicly, he wishes only to have information, and his informer to be a man—the Major despises an assassin, and in future will act accordingly and be on his guard.



Perhaps the present case might <sup>be</sup> brought in  
a very small compass by observing at least  
to Persons acquainted with Transactions of  
Nature, that the not insisting on a Military  
Enquiry or proceeding under the known and  
pledged amounts to a confession of the fact.  
But if to this consideration be added the  
of involving the Accusing Parties with Counters  
Accusations brought from a Quarter with  
which they were not able to contend, it will  
hardly be doubted on which side the Truth  
lay. The Person who prosecutes these few  
sheets after the lapse of several years, and  
most serious self-examination solemnly declares  
that he had no other object in view than the  
reform of the most glaring abuses, that  
is fully persuaded of the existence of such  
abuses and equally so that he was not ac-  
quainted with their utmost extent and enormity.



